

Sec. 35.1-26 Signs

The intent of this section is to: preserve the residential character of residential neighborhoods; maintain order throughout the City; avoid the appearance of clutter; protect property values; reduce traffic hazards caused by distractions and impairment of site lines to motorists; ensure that the city remains an attractive place to live and work; reduce administrative burdens; and protect the health, safety, welfare, morals, convenience, and comfort of the public. It is not the intent of this section to regulate the content of signs or to require the alteration of federally registered trademarks or logos.

Sec. 35.1-26.1 Severability clause.

As provided in Sec. 35.1-3, if any provision of the zoning ordinance regulating signs is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the zoning ordinance regulating signs and all of such provisions shall remain in full force and effect. .

Sec. 35.1-26.2 Definitions.

Address Sign: A sign displaying only the assigned address of a property or building that is attached to a building or sign structure or part thereof. An address sign shall not be included in the maximum permissible sign area of the district in which it is located, provided it does not exceed four (4) square feet.

Awning: A permanent roof like structure that projects from the wall of a building, covered with a flexible material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.

Banner: A sign consisting of a piece of fabric or other flexible material, other than a flag or pennant, used to advertise a special promotion or activity.

Billboard: Any exterior sign or advertising structure or portion thereof, including any sign painted directly on any exterior wall, roof, or part of a building or other object, displaying any information other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products sold, manufactured, processed or available thereon.

Building mounted sign: A permanently attached sign, erected or painted on the outside wall, window, or door of a building.

Changeable copy sign: A sign, or part of a sign, with copy that can be changed by manual, mechanical, or electronic means, except for scoreboards.

Channel enclosure: Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing.

Construction sign: A temporary sign that notifies the public of a specific building or development under construction or to be constructed within the next three (3) months. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

Directional Sign: An on-premise sign whose message is exclusively limited to guiding the circulation of pedestrian or vehicular traffic, such as enter, exit, or one-way.

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flag, Business: Any flag that displays the name, insignia, emblem or logo of the entity located on the site.

Flag, Decorative: Any flag of a non-commercial nature, including a flag that displays the name, insignia, emblem, or logo of any nation, state, or municipality other than the United States of America, the State of Virginia or the City of Lynchburg.

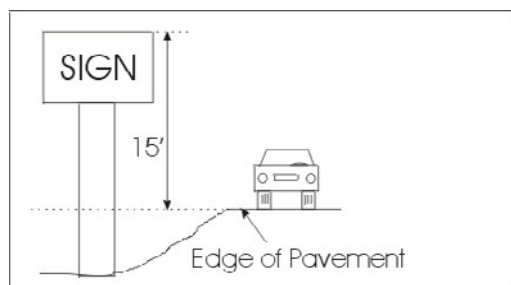
Flag Pole: A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags.

Flag, Public: The flag of the United States of America, the State of Virginia or the City of Lynchburg.

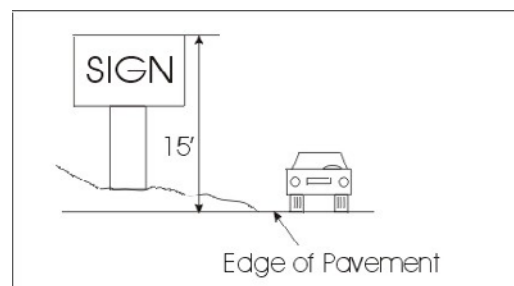
Flashing sign: Any illuminated sign which does not maintain, when in operation or use, a stationary light or constant intensity of color. Any light or copy that does not change more frequently than once per minute will not be considered a flashing sign.

Freestanding sign: A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.

Height of sign: The distance to the top most extent of the sign structure when measured from and perpendicular to the elevation of the edge of pavement of the closest adjacent roadway on which the sign is located. In no instance shall the sign structure be required to be less than ten (10) feet in height, except where required in Section 35.1-26 of this Ordinance.



Height of Sign



Height of Sign

Identification sign: A sign which is permanently attached to or painted on a building and contains only the building name. (*Example, the “Allied Arts” Building.*) Identification signs shall not be included in the maximum permissible sign area of the district in which it is located.

Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Inflatable item: Any item that is capable of being expanded by air, water or other means that exceeds twenty-four (24) inches in diameter.

Logo: Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.

Monument sign: A structure built on-grade in which the sign and the structure are an integral part of one another, not a pole(s) mounted sign.

Mural: A painting, fresco, or mosaic of a non-commercial nature applied to a wall for the sole purposes of decoration or artistic expression. A mural is not considered a sign unless it includes words or graphics that advertise the products or service of any entity.

Neon tubing: A vacuum tight transparent tube not exceeding one inch (1”) in diameter containing neon, argon, helium, xenon, or krypton that produces light when connected to an electrical current.

Off-site directional sign: A sign that directs traffic to a site other than the site on which the sign is located. Offsite directional signs do not include real estate signs.

Opinion sign (non-commercial): A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view.

Parapet wall: A wall that extends above the top of a flat roof or flat portion of a roof.

Pennant: Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent sign: Any sign attached to the ground or any other structure, intended to exist for the life of the structure or use, and which cannot be removed without involving any structural or support changes.

Pole mounted sign: A sign which is mounted on one or more freestanding poles or similar supports.

Political campaign sign: A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election.

Portable sign: A sign which is movable without involving any structural or support changes, not permanently attached to the ground, a structure or any other sign and not an integral part of a building to which it is accessory. This category includes, but is not limited to, an A-frame sign, a sign attached to or placed on a vehicle, which is used primarily for the purpose of display, and similar devices used to attract attention. This shall not include bumper stickers or identification signs directly applied to or painted on vehicles identifying the owner of the vehicle, a business name, logo or emblem.

Projecting sign: A sign which is attached to and projects at an angle and extends more than 15 inches from the face of the wall of a building.

Real estate sign: A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.

Re-facing: The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering the sign box, sign frame or sign structure.

Roof sign: A sign installed or constructed upon or above a roof.

Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark) or any other figure or graphic of similar character which is:

- (1) Attached to a structure, painted on or in any other manner represented on a building or other structure.
- (2) Used to announce, direct attention to, or advertise.
- (3) Visible from the outside of a building. A sign shall include writing, pictorial representation, emblem or any other figure of similar character within a building when located less than twelve (12) inches away from the inside face of an exterior window pane.
- (4) Accessory to the permitted uses in the zoning district.

Sign base: The area below any writing, pictorial representation, emblem or any other figure of similar character on a sign face. This shall include solid bases, poles, supports, uprights, skirts and/or enclosures.

Sign box: A structure that encloses the sign face(s) and any internal illumination.

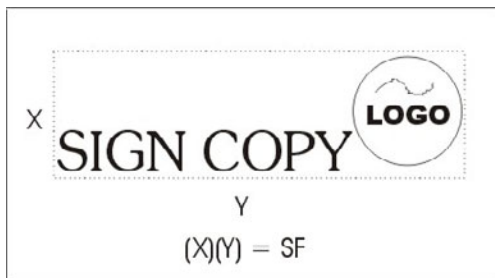
Sign face: The area or display surface used for the message, not including the sign frame or sign structure.

Sign frame: The enclosure and/or embellishment that surrounds the sign face.

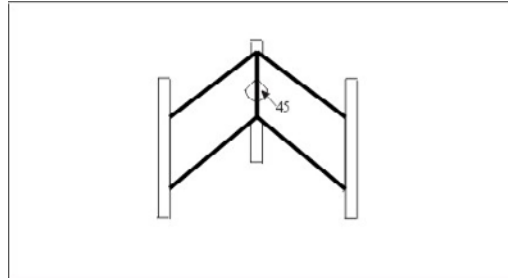
Sign structure: An assembly of material used to support a sign face and/or sign frame.

Streamer: Any long narrow strip of cloth, paper, plastic or other material.

Surface area: The entire area within a single continuous perimeter including the extreme limits of writing, pictorial representation, emblem, figure, graphic, or any figure of similar character. The sign base, box, frame, and/or structure shall not be considered the surface area of a sign unless there is writing or internal illumination on such sign components. For the purpose of computing, the surface area of a double-faced sign or a V-type sign shall be considered a single structure; provided, that the interior angle of the V-type sign does not exceed forty-five (45) degrees.



Surface Area



Surface Area V Type or Double-Faced

Temporary sign: A sign designed or intended to be displayed for a limited period of time as indicated in this chapter.

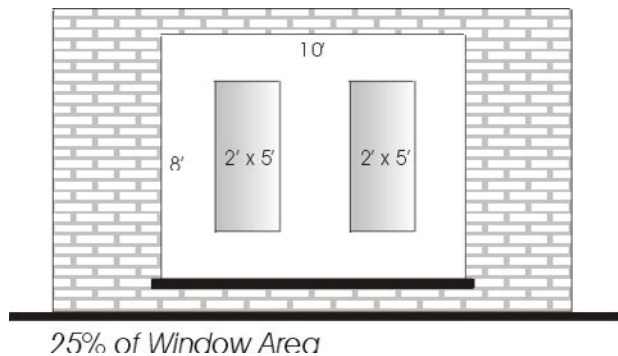
Window sign: A sign attached to, applied directly to, or located within twelve (12) inches from a door or window or that is legible from the exterior of the building.

Sec. 35.1-26.3 General regulations

- (a) The following shall not be subject to the provisions of the zoning ordinance.
 - (1) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices or warnings at railroad crossings.
 - (2) Public flags as defined by this Ordinance.
 - (3) Memorial signs or tablets.
 - (4) Address and identification signs less than four (4) square feet in area.

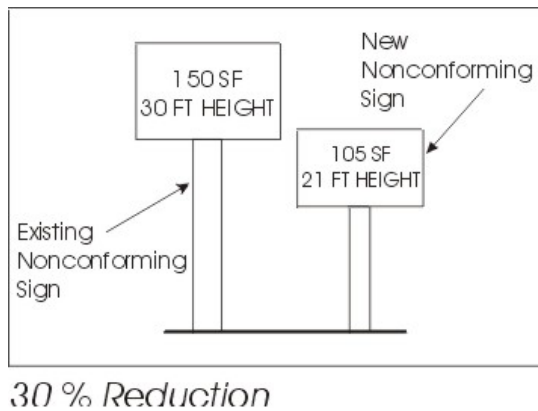
(b) For the purposes of this section, other provisions notwithstanding, awning signs shall be allowed and treated as wall signs. The maximum permissible area for awning signs shall be subject to, and calculated with, the maximum permissible wall sign area for the specific district in which such signs are located. These provisions are applicable to awning signs regardless of the material.

(c) Signs in windows shall not cover more than twenty-five percent (25%) of the window area. Window signs shall be calculated with and included in the surface area of wall signage.



(d) Discontinued business. If a business advertised by any sign is discontinued, the face of such sign shall be removed within ten (10) days after such discontinuance of business, and shall not be erected elsewhere in the City, except in conformity with the provisions of this article. The removal of such sign face and/or sign structure shall be the responsibility of the building or property owner of the space formerly occupied by the discontinued business. If the sign structure remains unused for two (2) years, the entire sign structure shall be removed and any future replacements shall be required to comply fully with this Ordinance. Removal of the sign structure shall be the responsibility of the property owner.

(e) Existing signs. Any existing sign and/or sign structure legally erected and maintained, which is nonconforming to the provisions of this article, may continue in its nonconforming status as long as it is maintained in its then structural condition. (See nonconforming section 35.1-27). When a nonconforming sign, sign frame, and/or sign structure is intentionally removed by the business or building owner, the surface area and height requirements for a new sign, sign frame, and/or sign structure, under this ordinance, shall apply. The new sign, sign frame, and/or sign structure may exceed the ordinance requirements, however, to a limit which is calculated by taking a thirty percent (30%) reduction in the height and/or square foot area of the original sign, sign frame and/or sign structure, provided that the new sign, sign frame, and or sign structure is constructed within sixty (60) days of the removal of the previous nonconforming sign and sign application approval is granted as provided in Sec. 35.1-26.13 of this Ordinance. New signs, sign frames and/or sign structures, which exceed the ordinance requirements pursuant to this provision shall be considered as nonconforming.



(f) Violations and Penalties: refer to Ordinance Section 35.1-20.

(g) Portable signs, pennants, streamers, and inflatable items are prohibited

(h) Compliance with Electrical Code. All illuminated signs must comply with UL standards and Chapter 11 of the City's Building Code.

Sec. 35.1-26.4 Flags

(a) The following flags are permitted in the Zoning Districts of the City of Lynchburg:

<i>District</i>	<i>Flag Type</i>	<i>Quantity</i>
R-C through R-5	Flag Decorative	2
B-1 through I-3	Flag Decorative	2
	Flag Business	N/A

(b) All business flags shall be calculated with the maximum permissible sign area for the district in which the flag is located. All other permitted flags shall be calculated separately from the maximum permissible ground sign area for the district in which the flag is located.

Sec. 35.1-26.5 Temporary Signs

(a) The following Commercial Banners are permitted in the Zoning Districts of the City of Lynchburg:

<i>District</i>	<i>Size</i>	<i>Quantity</i>	<i>Setback</i>	<i>Wall Projection</i>
B-1	24 SF	1 Per Street Frontage	8 FT	3 IN Max
B-2	24 SF	1 Per Street Frontage	8 FT	3 IN Max
B-3	32 SF	1 Per Street Frontage	8 FT	3 IN Max
B-4	24 SF	1 Per Street Frontage	8 FT	3 IN Max
B-5	32 SF	1 Per Street Frontage	8 FT	3 IN Max
B-6	24 SF	1 Per Street Frontage	8 FT	3 IN Max
I-1	24 SF	1 Per Street Frontage	8 FT	3 IN Max
I-2	24 SF	1 Per Street Frontage	8 FT	3 IN Max
I-3	24 SF	1 Per Street Frontage	8 FT	3 IN Max

(b) Banners may be erected only by the business occupant of the lot and the advertising matter shall apply only to the nature of the business occupying the lot on which the banner is erected.

(c) Non-commercial banners on street light poles are permitted per Section 3-5 of the City Code.

(d) An application and permit for a commercial banner is required as provided in Section 35.1-26.13 of this Ordinance. No such permit shall be issued for a period to exceed thirty (30) days. Permits for banners signs shall not be issued for any location during a period of thirty (30) days after the expiration date of a permit for a banner previously issued for the same location, unless the business operated at the location has changed ownership. In no case shall a banner be displayed for more than a total of one hundred and twenty (120) days per calendar year.

(e) Off-site directional signs for temporary church activities, garden shows, and other similar temporary activities may be erected along streets as provided in Section 3-3 of the City Code.

(f) Temporary construction signs are permitted in the Zoning Districts of the City of Lynchburg as follows:

<i>District</i>	<i>Size</i>	<i>Quantity</i>
R-C, R-1, R-2, R-3, R-4, R-5	16 SF	1
B-1, B-2, B-3, B-4, B-5, B-6	32 SF	1
I-1, I-2, I-3	32 SF	1

Temporary construction signs shall only be allowed on the property on which construction will commence within the next three (3) months, and may be erected on the wall of a construction trailer, construction shed or on the ground. Temporary construction signs shall not be lighted by any means and shall be removed prior to a Certificate of Occupancy (CO) being granted for said building. A sign permit is not required for the placement of a temporary construction sign.

(g) Temporary real estate signs are permitted in the Zoning Districts of the City of Lynchburg as follows:

<i>District</i>	<i>Size</i>	<i>Quantity</i>
R-C, R-1, R-2, R-3	5 SF	1 per Street Frontage
R-4, R-5	32 SF	1 per Street Frontage
B-1, B-2, B-3, B-4, B-5, B-6	32 SF	1 per Street Frontage
I-1, I-2, I-3	32 SF	1 per Street Frontage

Temporary real estate signs are to be placed only on the property that is for sale or lease. Temporary real estate signs shall be removed immediately following the sale or lease of the property.

(h) One (1) temporary subdivision identification sign not exceeding thirty-two (32) square feet in area may be erected during construction at an entrance to the subdivided property; provided not over two (2) signs shall be erected for any one (1) subdivision. These signs shall be removed upon completion or sale of seventy-five (75) per cent of the lots in the subdivision. No electric or other luminous sign and no sign illuminated by a floodlight or other similar device shall be permitted.

(i) All temporary signs must be removed within ten (10) days after the event or activity being advertised or promoted by the temporary sign has been completed.

Sec. 35.1-26.6 Political Campaign Signs *[The following paragraphs (a) and (b) are in the existing Zoning Ordinance written in 1995. The City Council is to discuss the language of the existing ordinance with the City Attorney on 4-21-04.]*

(a) Political campaign signs. A campaign sign is a temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election. Within any district, a political campaign

sign may be erected on a lot, provided that such sign: is erected only upon approval of the property owner, may not exceed six (6) square feet in area or four (4) feet in height, may not be located closer than eight (8) feet to a street line, must be at least five (5) feet from any property line, is at least forty (40) feet away from any other such sign, and does not exceed two (2) political campaign signs per lot. If the size of a lot does not permit signs to be placed forty (40) feet apart, the signs shall be placed as far apart as possible to allow not more than two (2) signs on a lot. *A political campaign sign may be displayed on any zoning lot fourteen (14) days before an election, and such sign shall be removed within three (3) days after the election.* The removal of such signs shall be the responsibility of the property owner on whose lot the sign is displayed.

(b) A political campaign sign may be indirectly illuminated, provided the source of illumination is not visible and no fluorescent paint or other preparation is used for high reflection. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement, shall be permitted. The hours that the signs can be lighted shall be determined by the Zoning Official so that it does not interfere with any abutting residential properties. Political campaign signs are permitted in addition to non-commercial opinion signs.

Sec. 35.1-26.7 Opinion Signs

(a) Opinion sign (non-commercial): Such a sign cannot be illuminated by an interior or exterior light source. *One non-commercial opinion sign may be displayed on a lot that is zoned and used residentially.* Such signs are permitted on private property only, may be erected only upon approval of the property owner, may not exceed six (6) square feet in area or four (4) feet in height, may not be located closer than eight (8) feet to a street line, and must be at least five (5) feet from any property line.

Sec. 35.1-26.8 Signs in R-C, R-1, R-2, R-3, R-4, and R-5 Districts

(a) Signs pertaining only to the uses conducted on the premises will be permitted, subject to the following conditions:

(1) One (1) sign announcing a permitted home occupation will be allowed for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area and no artificial lighting may be used to illuminate the sign or the exterior of the building except lights necessary to illuminate steps, walks or house numbers.

(2) One (1) sign not to exceed four (4) square feet identifying a club, lodge or community center may be erected. Only shaded white light may be used to illuminate these signs.

(3) Church bulletin boards and signs for the display of names of educational or other permitted institutions shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for each institution. Such signs may be illuminated only by shaded white lights.

(4) One (1) subdivision identification sign not exceeding forty (40) square feet in area may be erected at each main street entrance to the subdivided property. The maximum height of the monument sign shall be eight (8) feet. The maximum area of the sign may be on one (1) sign or divided into two (2) signs located on each side of the subdivision road entrance. Light fixtures shall not be included in calculating the maximum height.

Sec. 35.1-26.9 Signs in B-1 and B-2 Districts

(a) Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the following conditions:

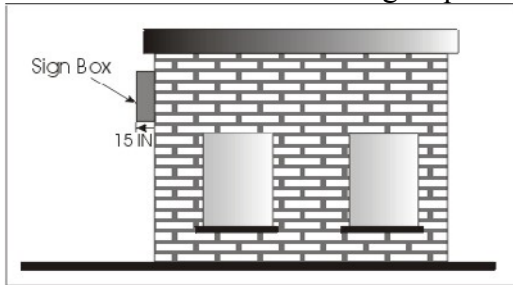
(1) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of the building shall not exceed twenty-four (24) square feet. Newly constructed groups of buildings shall have unified and coordinated wall signs.

(2) One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed eighteen (18) square feet in surface area. Any architectural or decorative surrounds to support or enhance the sign face may not exceed 25% of the maximum allowable sign face surface area. Sign bases, uprights, or poles located under the sign shall not count toward the architectural or decorative surrounds calculation. The overall height of any such sign structure, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

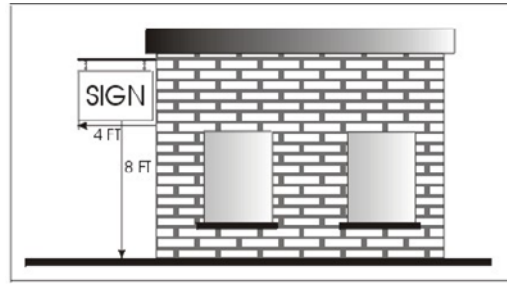
(3) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign structure, permanently fixed to the ground and designed to identify the area as a whole, may be erected on each street on which the area abuts, provided such sign structure shall not be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) sign faces, each of which shall not exceed eighteen (18) square feet in area for the first business tenant, but may be increased incrementally by four (4) square feet for each additional business tenant up to a maximum of thirty-two (32) square feet. Any architectural or decorative surrounds to support or enhance the sign face may not exceed 25% of the maximum allowable sign face surface area. The overall height of any such sign, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

(4) Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, maximum seven (7) feet in height, comply with the historic district guidelines, and receive approval from the Secretary of the Historic Preservation Commission. Decisions of the Secretary may be appealed to the Historic Preservation Commission.

(5) No building mounted sign shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building. If an advertisement or firm name is used in connection with such signs, it shall count towards the maximum wall sign square foot allowance.



Building Mounted Signs



Projecting Signs Perpendicular to Building

(6) The provisions of this section do not apply to signs that are further than twelve (12) inches away from the inside face of an exterior window pane.

(7) Sign illumination. When any sign is lighted in these districts, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(8) One sign with the word “open” (neon or otherwise) shall be permitted per building, provided the sign does not exceed four (4) square feet. Said sign shall not count towards the maximum allowable sign square footage.

(9) For visibility regulations at intersections see Section 35.1-23(j)

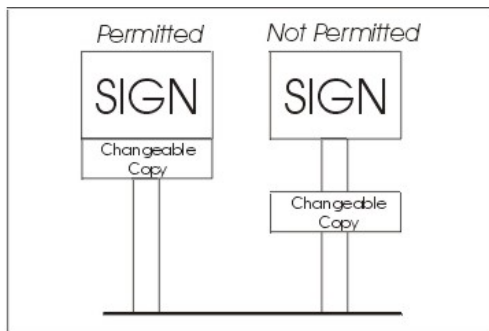
Sec. 35.1-26.10 Signs in B-3 and B-5 Districts

(a) Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the following conditions:

(1) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate sign face surface area of all signs, including trim or embellishment, on any one (1) building wall within two-hundred (200) feet from the abutting street right-of-way shall not exceed twenty-five (25) square feet plus one (1) square foot for each lineal foot of such wall. In no case shall the

sign face surface area exceed one-hundred (100) square feet. The aggregate sign face surface area of all signs on any one (1) building wall greater than two-hundred (200) feet from the abutting street right-of-way shall not exceed twenty-five (25) square feet plus two (2) square feet for each lineal foot of such wall. In no case, shall the sign face surface area exceed one-hundred and fifty (150) square feet. Newly constructed groups of buildings shall have unified and coordinated wall signs.

(2) One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure is not located closer to the front property line than two (2) feet. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed fifty (50) square feet in area. Any changeable copy sign must abut or connect with the sign face and the total square footage for both sign face surface area and changeable copy sign surface area may not exceed sixty-six (66) square feet. The changeable copy sign surface area itself may be no larger than twenty-two (22) square feet. Any architectural or decorative surrounds to support or enhance the sign face and/or changeable copy sign *face* may not exceed 25% of the allowable sign face surface area. The overall height of any such sign structure, including any architectural or decorative surrounds, shall not exceed fifteen (15) feet above the ground.



Changeable Copy Signs

(3) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign structure, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not be located closer to the front property line than two (2) feet. For a group of buildings that is between one hundred thousand (100,000) square feet and two hundred thousand (200,000) square feet, such sign shall be limited to two (2) faces, each of which shall not exceed seventy-five (75) square feet in area plus sixteen (16) square feet for a reader board. The reader board must be attached to the sign. For a group of buildings that exceeds two hundred thousand (200,000) square feet in area, such sign shall be limited to two (2) faces, each of which shall not exceed one hundred (100) square feet in area plus sixteen (16) square feet for a changeable copy sign. The changeable copy sign must be attached to the sign. Any architectural or decorative surrounds to support or enhance the sign and/or changeable copy sign may not exceed 25% of the allowable sign area. The overall height of any such sign, including any architectural or decorative surrounds, shall not exceed fifteen (15) feet above the ground.

(4) Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide rectangular enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, comply with the Commercial Historic Districts Design Guidelines and receive administrative approval from the Secretary of the Historic Preservation Commission. Decisions of the Secretary may be appealed to the Historic Preservation Commission.

(5) No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building. If an advertisement or firm name is used in connection with such signs, it shall count towards the maximum wall sign square foot allowance.

(6) The provisions of this section do not apply to signs on the inside of buildings that are further than twelve (12) inches away from the inside face of an exterior window pane, nor to small signs on outdoor merchandise display racks, cases and vending devices.

(7) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as B-3 or B-5 as follows: Signs identifying vehicular entrance to and exit from the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot; provided that such signs and number are approved by the city.

(8) Sign illumination. When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(9) Neon tubing of any color is permitted on a sign, provided the neon is installed within a channel enclosure. In addition to any sign, one border tube of neon within a channel enclosure is permitted along the entire length of one façade that follows the outline of the building. This façade must face a street or parking lot that abuts the building. The neon tube may wrap around the corners of the building to the adjoining facades, but is limited to 25% of the length of the adjoining facades.

(10) One sign with the word “open” (neon or otherwise) shall be permitted per building, provided the sign does not exceed four (4) square feet. Such a sign shall not count towards the maximum sign square footage.

(11) For visibility regulations at intersections see Section 35.1-23(j)

Sec. 35.1-26.11 Signs in B-4 and B-6 Districts

(a) Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted subject to the following conditions:

(1) Box signs, internally illuminated plastic signs, overly bright signs, moving signs or signs simulating movement, and flashing illuminated signs are not permitted.

(2) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of a building shall not exceed one (1) linear foot per one (1) linear foot of building. For buildings six (6) stories or greater, the sign size may increase twenty (20) square feet per story. No roof mounted signs are permitted.

(3) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed thirty-two (32) square feet in area. Any architectural or decorative surrounds to support or enhance the sign may not exceed twenty-five percent (25%) of the allowable sign area. The overall height of any such sign, including any architectural or decorative surrounds, shall not exceed seven (7) feet above the ground and shall be monument style.

(4) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed fifty (50) square feet in area. The overall height of any such sign shall not exceed seven (7) feet above the ground and shall be monument style.

(5) Any sign in the B-4 or B-6 districts shall follow the Commercial Historic Districts Design Guidelines and receive approval from the Secretary of the Historic Preservation Commission. Decisions of the Secretary may be appealed to the Historic Preservation Commission.

(6) No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building. If an advertisement or firm name is used in connection with such signs, it shall count towards the maximum wall sign square foot allowance.

(7) Sign illumination. Internal illumination of signs is permitted for individual letters or logos. When any sign is lighted, such lights shall be indirect white spot lights only. Only white illumination shall be used. No fluorescent paint or other preparation shall be used for high reflection.

(8) One sign with the word “open” (neon or otherwise) shall be permitted per building, provided the sign does not exceed four (4) square feet. Such a sign shall not count towards the maximum sign square footage.

(9) The provisions of this section do not apply to signs that are further than twelve (12) inches away from the inside face of an exterior window pane, nor to small signs on outdoor merchandise display racks, cases and vending devices.

(10) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).

Sec. 35.1-26.12 Signs in I-1, I-2 and I-3 Districts

(a) Signs pertaining only to the uses conducted on the premises, but not including any roof signs, will be permitted subject to the following conditions:

(1) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of the building shall not exceed twenty-four (24) square feet.

(2) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) faces, each of which shall not exceed one (1) square foot for each five (5) linear feet of such frontage, but not to exceed sixty-six (66) square feet in any case. Any architectural or decorative surrounds to support or enhance the sign may not exceed 25% of the sign area. The overall height of any such sign, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

(3) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as I-1 to I-3 as follows: Signs identifying vehicular entrance to and exit from the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot; provided that such signs and number are approved by the city.

(4) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).

(5) Newly constructed billboards are permitted by right in I-2 and I-3 Districts ~~only~~ and shall follow the regulations set forth in Section 35.1-26.13.

(6) Sign illumination: When any sign or billboard is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted. No fluorescent paint or other preparation can be used for high reflection.

Sec. 35.1-26.13. Billboards.

[No changes except the ordinance section number]

Sec. 35.1-26.14 Sign Application and Permit

(a) Sign permit: No sign or sign structure, banner or part thereof shall be erected, enlarged or altered by any person or organization until such person or organization has:

(1) Submitted to the Department of Community Planning and Development a completed sign application including the size of surface area, size of sign structure, size of sign frame, size of sign face, size of sign box, size of sign base, height, copy, source of illumination, type of material, and location of said sign on any wall or property.

(2) Met all sign application requirements and has obtained from the City of Lynchburg a sign permit specifying the size, height and location of such sign or sign structure.

(3) All applicable permit fees have been paid to the City's Division of Billing and Collections.

(b) Upon receipt of a completed sign application, the Department of Community Planning and Development will review the submitted information for compliance with Section 35.1-26 of the Zoning Ordinance. The Department of Community Planning and Development will mark on the sign application approved, approved with conditions or denied and make notification to the applicant within ten (10) working days of receipt of the completed sign application. Any conditions or reason for denial shall be attached to the sign application and returned to the applicant.

(c) Permits issued for temporary commercial banners shall include the date of issue and the date of expiration. Said permit shall be securely fastened to the back side of the banner, except for banners attached to walls. When the banner is attached to a wall or other structure not easily accessible, said permit shall be kept with the owner or manager of the business and be presented to Community Planning & Development staff upon request.

(d) Appeals of the decision made on a sign application shall be made first to the Planning Commission, then to the City Council and then to the Circuit Court as provided in Chapter 35 of this Ordinance and the Code of Virginia. Appeals shall be filed with the Department of Community Planning and Development within twenty (20) days of the receipt of the decision made on a sign application.

Sec. 35.1-26(c) Certificate of Insurance *[This section will be deleted from the sign ordinance and incorporated into Section 3-5 of the City Code. See last page.]*

~~(a) As a condition of permission to erect, construct, or maintain over any public street any sign requiring a permit, the property owner, sign owner, and sign user of any such sign shall all be and remain liable for all damages and injuries caused to persons or property by reason of the construction, maintenance, use, removal, or repair of such sign or signs, and shall indemnify and save harmless the City against all damages it may sustain by reason of the existence of such sign as hereinafter provided.~~

~~(b) Every person applying for a permit to erect a sign over any public street shall furnish the Department of Parks & Recreation a certificate of insurance, on forms furnished by said division for the purpose, certifying that the owner or tenant of the building or premises on which the sign is to be erected has liability insurance for bodily injuries covering said sign in the amount of fifty thousand dollars (\$50,000.00) for each person and one hundred thousand dollars (\$100,000.00) for each accident. The certificate of insurance shall show the name of the insurance company, name of insured, address of insured, location of insured premises, insurance policy number, date insurance policy issued, expiration date of insurance policy, limits of policy, type of insurance, and a clause providing that in case of cancellation of insurance policy the City shall be given ten (10) days' notice prior to such cancellation.~~

~~(c) In case the ownership of a sign is changed, the new owner shall furnish a certificate of insurance as hereinafter provided.~~

~~(d) Any person lawfully maintaining a sign over any public street at the time of the enactment of this code shall, within thirty (30) days after the enactment of this code, comply with all the provisions as set out in this section. This paragraph, however, shall not apply to any person who has heretofore insured the City against liability due to the existence of any electric sign by an endorsement or rider to his own public liability and property damage insurance policy, until such time as such policy, or the rider thereto, expires or is otherwise terminated.~~

~~(e) The requirements of this section shall be in addition to all other provisions and requirements contained in the ordinances of the City relating to signs over public property.~~

35.1-27 Nonconforming uses

(g) Nonconformity, other than use. A building that is conforming in use, but which does not conform to the height, yard, land coverage, parking or loading requirements of this ordinance, shall not be considered to be nonconforming within the meaning of Section 35.1-27. However, no permit shall be issued that will result in the increase of any such nonconformity. All signs and billboards which do not conform with any of the sign and billboard regulations of this ordinance, including regulations governing size, ~~setbacks~~, height, installation location, and lighting, shall be deemed nonconforming. Such nonconforming signs requiring repairs in the amount of fifty percent (50%) of the sign structure's replacement value shall be required to conform with all provisions of this ordinance. When a nonconforming sign is extended, reconstructed or structurally altered it must be brought into compliance with the current requirements of the zoning ordinance.

Sec. 3-5. Signs, banners across streets.

(a) No person shall erect or place any sign or banner of wood, cloth, metal or other material across any street or sidewalk in the city without obtaining a permit from the city's department of ~~public works~~ parks and recreation. The permit shall contain such conditions as the department of ~~public works~~ parks and recreation deems necessary to protect the public health, safety and welfare and shall specify the period of time that the sign/banner may be erected. The sign/banner shall be only for civic or public events to serve the community. The sign/banner shall not be closer than fifteen (15) feet to the street or sidewalk level. The applicant must execute an agreement holding the city harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way and must furnish the city with a certificate of insurance with general liability and property damage coverage ~~in such amount as shall be determined by the city's risk management coordinator and the certificate of insurance shall include the City of Lynchburg, its officers and employees as additional insureds.~~ The applicant shall submit a letter from the persons or firm, which includes the address and phone number, that will be erecting and removing the sign/banner.

(b) Every person applying for a permit to erect a sign over any public street shall furnish the department of parks and recreation a certificate of insurance, on forms furnished by said division for the purpose, certifying that the owner or tenant of the building or premises on which the sign is to be erected has liability insurance for bodily injuries covering said sign in the amount of fifty thousand dollars (\$50,000) for each person and one hundred thousand dollars (\$100,000) for each accident. The certificate of insurance shall show the name of the insurance company, name of insured, address of insured, location of insured premises, insurance policy number, date insurance policy issued, expiration date of insurance policy, limits of policy, type of insurance, and a clause providing that in case of cancellation of insurance policy the City shall be given ten (10) days' notice prior to such cancellation.

~~(b)~~ (c) If the sign/banner is damaged or in need of repair and poses a threat to the safety of the general public the applicant will be notified and have two (2) business days to remove same. If the applicant fails to remove the sign/banner after the two (2) days notice the city will have the sign/banner removed at the expense of the applicant. When, in the opinion of the department of ~~public works~~ parks and recreation, the presence of the sign or banner results in a condition that creates an immediate and serious threat to the safety of the public, the department of ~~public works~~ parks and recreation may have the sign or banner removed without prior notice. The owner of the sign or banner shall be responsible for paying the costs of removal.

~~(d)~~ (e) If the applicant fails to remove the sign/banner after the event or upon expiration of the specified time period, whichever shall come first, the city shall have the sign/banner removed at the expense of the applicant.

(~~d~~e) A violation of this section shall constitute a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. O-95-087, 4-11-95; Ord. No. O-97-083, 5-13-97)